

REGIONAL CONDITIONS FOR THE NEW AND MODIFIED NATIONWIDE PERMITS IN MISSISSIPPI

Corps Regional Conditions

Nationwide Permit 7: Outfall Structures and Maintenance.

Activities involving the construction of associated intake structures shall be constructed with fish screening devices.

Nationwide Permit 14: Linear Transportation Crossings.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 39: Residential, Commercial and Institutional Development.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. Any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch with gaps every 50 feet.
2. Banks shall be seeded and stabilized upon completion of excavation activities.
3. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 42: Recreational Facilities.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 43: Stormwater Management Facilities.

1. Activities located within Atlantic white cedar stands and pitcher plant bogs shall not be authorized under this nationwide permit in the Coastal Zone of Mississippi without a Coastal Zone Consistency Determination from the Mississippi Department of Marine Resources.
2. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Regional Conditions for Water Quality Certification

The Mississippi Department of Environmental Quality (DEQ) placed the following regional conditions on the Nationwide Permits. DEQ will be the primary responsible party for the enforcement of the water quality certification conditions and may be contacted as follows:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289-0385
Telephone: (601) 961-5171

Nationwide Permit 3: Maintenance

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.
2. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
3. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 7: Outfall Structures and Maintenance

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.
2. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
3. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 12: Utility Line Activities.

1. The Mississippi Department of Environmental Quality, Office of Pollution Control (OPC) shall be notified of projects that are five acres or greater in size and projects that have associated discharge of cuttings, drilling mud, hydrostatic testing water, or any other waste material.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 14: Linear Transportation Crossings.

1. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
2. This NWP shall not apply to natural tidal waters for personal transportation projects.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 27: Stream and Wetland Restoration Activities.

1. For permitting of activities associated with mitigation banking, a Mitigation Banking instrument approved by the Mitigation Banking Review Team shall be required.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 39: Residential, Commercial, and Institutional Developments.

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 40: Agricultural Activities

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.
2. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
3. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal: vertical) or flatter.
2. The NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.
3. This NWP shall not authorize the modification of greater than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.
4. Buffer zones shall be 25 feet minimum from top of the drainage ditch.
5. Spoil disposal areas shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
6. Work shall be conducted from one side of the waterbody only, where possible.
7. Large trees on the work side shall be avoided where possible.
8. Banks shall be immediately seeded and stabilized upon completion of construction.
9. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
10. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
11. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 42: Recreational Facilities.

1. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from OPC prior to construction.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 43: Storm Water Management Facilities.

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.
2. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
3. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 44: Mining Activities.

This NWP has been **denied** Water Quality Certification and applicants shall obtain certification or a waiver from the Mississippi Department of Environmental Quality prior to commencement of work.

Regional Conditions for Coastal Zone Management Consistency Determination

The Mississippi Department of Marine Resources (DMR) placed regional Conditions for Coastal Zone Consistency Determination on the Nationwide Permits. DMR will be the primary responsible party for the enforcement of the Coastal Zone Consistency Determination conditions and may be contacted as follows:

Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530
Telephone: (228) 374-5000

Nationwide Permit 3: Maintenance.

1. Use restricted within the coastal zone for activities involving dredging and placement of riprap or other shore protection device; regional General Permit will be used.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.

Nationwide Permit 7: Outfall Structures and Maintenance.

1. Use restricted within tidal waters.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.

Nationwide Permit 12: Utility Line Activities.

1. Use restricted within tidal waters.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.
3. Mitigation required for any wetland impacts greater than ¼ acre and any stream impacts within the Coastal Zone of Mississippi.

Nationwide Permit 14: Linear Transportation Projects.

1. Use restricted within natural tidal waters for public and personal transportation projects.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.
3. Mitigation required for any wetland impacts greater than ¼ acre and any stream impacts within the Coastal Zone of Mississippi.

Nationwide Permit 27: Stream and Wetland Restoration Activities.

Conditions placed on NWP 27 by the Mississippi Department of Marine Resources (DMR) effectively denied consistency. Applicants must obtain a consistency determination or a waiver from DMR prior to commencement of work.

Nationwide Permit 39: Residential, Commercial, and Institutional Activities.

1. Proof of state-approved waste disposal system required.
2. Appropriate soil and sediment controls must be used and maintained during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.
3. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any stream and wetland impacts within the Coastal Zone of Mississippi.
4. Mitigation required for any wetland impacts greater than ¼ acre and any stream impacts within the Coastal Zone of Mississippi.

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. Reshaping for created (man-made) ditches only.
2. No sidecasting of excavated material in the Coastal Zone of Mississippi.
3. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.

Nationwide Permit 42: Recreational Facilities.

1. Proof of state-approved waste disposal system required.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.
3. Mitigation required for any wetland impacts greater than ¼ acre within the Coastal Zone of Mississippi.

Nationwide Permit 43: Stormwater Management Facilities.

1. Use-restricted within Atlantic white cedar stands, pitcher plant bogs, bottomland hardwood riparian forests, longleaf pine forests and savannas.
2. Pre-Construction Notification required to the Corps of Engineers and the Department of Marine Resources for any wetland impacts in the Coastal Zone of Mississippi.
3. Mitigation required for any wetland impacts greater than ¼ acre within the Coastal Zone of Mississippi.

Nationwide Permit 44: Mining Activities.

The Mississippi Department of Marine Resources (DMR) has **denied** consistency for NWP 44. Applicants must obtain a consistency determination or a waiver from DMR prior to commencement of work.